

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: September 18, 2015

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
ROSA M. INFANZON,
:

Plaintiff,
:

-v-
:

COMMISSIONER OF SOCIAL SECURITY,
:

Defendants.
:
-----X

15-cv-6826 (KBF)

MEMORANDUM
OPINION & ORDER

KATHERINE B. FORREST, District Judge:

All actions in this Court are governed by the Federal Rules of Civil Procedure. Rule 8(a) requires that pleadings contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a). For particularly deficient pleadings, a court may raise such issues sua sponte.

Salahuddin v. Cuomo, 861 F.2d 40, 42 (2d Cir. 1988). Plaintiff has not satisfied the requirements of Fed. R. Civ. P. 8(a)(2) as explained in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007) and Ashcroft v. Iqbal, 556 U.S. 662 (2009).

“While Twombly does not require heightened fact pleading of specifics, it does require enough facts to “nudge plaintiffs’ claims across the line from conceivable to plausible.” In re Elevator Antitrust Litig., 502 F.3d 47, 50 (2d Cir. 2007) (alternations omitted). In the instant Complaint, plaintiff makes “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements.” Iqbal, 556 U.S. at 678. Plaintiff has not given defendant “fair notice of

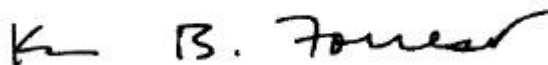
what the . . . claim is and the grounds upon which it rests.” Twombly, 550 U.S. at 555. Plaintiff’s statements that defendant “was wrong, not supported by substantial evidence on the record and contrary to the law” are insufficient to meet the “plausibility” standard required by Iqbal and Twombly. (Compl. at ¶ 8).

Plaintiff is directed to amend her Complaint to include a brief statement of facts establishing the reasons why this Court should find that the defendant’s decision was wrong. Plaintiff shall file an amendment within **thirty days** of the date of this order. Failure to amend will result in dismissal.

The Clerk of Court is directed to amend the caption of the complaint to list “Carolyn Colvin, Commissioner, Social Security Administration” as the defendant to this action. Plaintiff is also directed to link a copy of her initial Complaint on ECF.

SO ORDERED.

Dated: New York, New York
September 18, 2015

A handwritten signature in black ink, appearing to read "K. B. Forrest", is written above a horizontal line.

KATHERINE B. FORREST
United States District Judge